

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 684

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## AN ACT

To amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mni Wiconi Project  
3 Act Amendments of 2013”.

4 **SEC. 2. OTHER AGENCY ASSISTANCE.**

5 The Mni Wiconi Project Act of 1988 (Public Law  
6 100–516; 102 Stat. 2566; 108 Stat. 4543) is amended  
7 by inserting after section 3B the following:

8 **“SEC. 3C. PLANS FOR COMPLETING THE OGLALA SIOUX  
9 RURAL WATER SUPPLY SYSTEM, ROSEBUD  
10 SIOUX RURAL WATER SYSTEM, AND LOWER  
11 BRULE SIOUX RURAL WATER SYSTEM.**

12 “(a) PLANS FOR COMPLETION.—

13 “(1) IN GENERAL.—In consultation with the  
14 Oglala Sioux Tribe, the Rosebud Sioux Tribe, and  
15 the Lower Brule Sioux Tribe, as applicable, and the  
16 Federal agency heads listed in subsection (b)(1), the  
17 Secretary shall develop plans to complete the Oglala  
18 Sioux Rural Water Supply System, the Rosebud  
19 Sioux Rural Water System, and the Lower Brule  
20 Sioux Rural Water System.

21 “(2) CONTENTS.—The plan for each water sup-  
22 ply system described in paragraph (1) shall re-  
23 quire—

24 “(A) the completion of remaining compo-  
25 nents of the applicable system in accordance

1 with the Final Engineering Report dated May  
2 1993;

3 “(B) the improvement, repair, and replace-  
4 ment of existing water systems; and

5 “(C) the transfer of those existing water  
6 systems to the United States, to be held in  
7 trust for the Oglala Sioux Tribe, the Rosebud  
8 Sioux Tribe, or the Lower Brule Sioux Tribe,  
9 as applicable, and made part of the applicable  
10 rural water system.

11 “(3) SUBMISSION TO CONGRESS.—Not later  
12 than 2 years after the date of enactment of this sec-  
13 tion, the Secretary shall submit to the Committee on  
14 Energy and Natural Resources of the Senate and  
15 the Committee on Natural Resources of the House  
16 of Representatives—

17 “(A) a copy of each plan developed under  
18 this subsection, including a schedule for full im-  
19 plementation of the plan that shall not exceed  
20 a period of 15 years after the date of enactment  
21 of this section;

22 “(B) a report that includes—

23 “(i) a description of the roles and re-  
24 sponsibilities of each of the heads of the  
25 Federal agencies listed in subsection (b)(1)

1 (including the Commissioner of the Bureau  
2 of Reclamation) relating to the completion  
3 of the water supply systems, including with  
4 respect to the improvement, repair, and re-  
5 placement of the existing water systems  
6 before and after transfer;

7 “(ii) the program authorities of each  
8 Federal agency listed in subsection (b)(1)  
9 and a description of how the heads of the  
10 Federal agencies will work together to  
11 complete and implement the plans; and

12 “(iii) the amount of funding and any  
13 other need the Secretary determines to be  
14 necessary to complete and implement the  
15 plans; and

16 “(C) as applicable, a description of the  
17 roles and responsibilities of the heads of other  
18 Federal agencies that have existing authorities  
19 to provide assistance to the Oglala Sioux Tribe,  
20 the Rosebud Sioux Tribe, or the Lower Brule  
21 Sioux Tribe.

22 “(b) INTERAGENCY AGREEMENTS.—

23 “(1) IN GENERAL.—Notwithstanding any other  
24 provision of law, the Secretary shall enter into  
25 agreements with the Administrator of the Environ-

1 mental Protection Agency, the Secretary of Agri-  
2 culture, the Secretary of Health and Human Serv-  
3 ices, and the Secretary of Housing and Urban De-  
4 velopment—

5 “(A) to fulfill the trust responsibility of the  
6 United States; and

7 “(B) to complete the Oglala Sioux Rural  
8 Water Supply System, the Rosebud Sioux Rural  
9 Water System, and the Lower Brule Sioux  
10 Rural Water System in accordance with the  
11 Final Engineering Report dated May 1993, in-  
12 cluding the transfer of existing water systems,  
13 as set forth in the plans for completion devel-  
14 oped under subsection (a).

15 “(2) COOPERATION.—

16 “(A) IN GENERAL.—The heads of the Fed-  
17 eral agencies described in paragraph (1) shall  
18 assist the Secretary in completing the Oglala  
19 Sioux Rural Water Supply System, the Rosebud  
20 Sioux Rural Water System, and the Lower  
21 Brule Sioux Rural Water System pursuant to  
22 sections 3(a), 3A(a), and 3B(a), respectively,  
23 including by—

24 “(i) improving, repairing, and replac-  
25 ing existing water systems as set forth in

1 the plans developed under subsection (a);  
2 and

3 “(ii) constructing new rural water fa-  
4 cilities, service lines, and other necessary  
5 features.

6 “(B) ADMINISTRATOR OF THE ENVIRON-  
7 MENTAL PROTECTION AGENCY.—The Adminis-  
8 trator of the Environmental Protection Agency  
9 shall assist the Secretary in meeting the envi-  
10 ronmental and safe drinking water needs of the  
11 Pine Ridge Indian Reservation, the Rosebud In-  
12 dian Reservation, and the Lower Brule Indian  
13 Reservation, including through compliance with  
14 the Safe Drinking Water Act (42 U.S.C. 300f  
15 et seq.).

16 “(C) SECRETARY OF HEALTH AND HUMAN  
17 SERVICES.—The Secretary of Health and  
18 Human Services shall assist the Secretary in  
19 meeting the water supply and public health  
20 needs of the Pine Ridge Indian Reservation, the  
21 Rosebud Indian Reservation, and the Lower  
22 Brule Indian Reservation, including through  
23 compliance with the Act of August 5, 1954  
24 (commonly known as the ‘Indian Sanitation Fa-  
25 cilities Act’) (42 U.S.C. 2001 et seq.).

1           “(D) SECRETARY OF HOUSING AND URBAN  
2           DEVELOPMENT.—The Secretary of Housing and  
3           Urban Development shall assist the Secretary  
4           by carrying out projects to connect houses that  
5           are eligible for funding from the Department of  
6           Housing and Urban Development on the res-  
7           ervations of the Oglala Sioux Tribe, the Rose-  
8           bud Sioux Tribe, and the Lower Brule Sioux  
9           Tribe, through plumbing, water pipes, appur-  
10          tenances, and interconnections to the Oglala  
11          Sioux Rural Water Supply System, the Rosebud  
12          Sioux Rural Water System, and the Lower  
13          Brule Sioux Rural Water System, respectively,  
14          to meet the water conservation standards of  
15          those water supply systems.

16          “(3) LIVESTOCK DISTRIBUTION SYSTEMS.—

17                 “(A) IN GENERAL.—The Secretary and the  
18                 Secretary of Agriculture shall, through the use  
19                 of authorities of the Bureau of Indian Affairs  
20                 and the Department of Agriculture, respec-  
21                 tively, complete, during a period not to exceed  
22                 15 years after the date of enactment of this  
23                 section, the livestock distribution system for the  
24                 Oglala Sioux Rural Water Supply System and  
25                 the Rosebud Sioux Rural Water System, con-

1           sistent with the Final Engineering Report dated  
2           May 1993.

3           “(B) ADMINISTRATION.—For each water  
4           supply system described in subparagraph (A),  
5           the Secretary shall enter into agreements with  
6           the Secretary of Agriculture and the Director of  
7           the Bureau of Indian Affairs that set forth the  
8           specific responsibilities of each agency con-  
9           cerning the construction of the livestock dis-  
10          tribution systems.

11          “(4) LEAD AGENCY.—The Department of the  
12          Interior, acting through the Bureau of Reclamation,  
13          shall act as the lead agency in carrying out this sec-  
14          tion.

15          “(5) ADMINISTRATION.—

16                 “(A) IN GENERAL.—Each agency head  
17                 shall carry out the duties of the agency head  
18                 under this subsection out of amounts made  
19                 available to the agency head under annual ap-  
20                 propriations and existing authorities.

21                 “(B) AUTHORIZATION OF USE OF OTHER  
22                 FEDERAL AGENCY FUNDS.—Amounts made  
23                 available to agencies other than the Bureau of  
24                 Reclamation may also be used to carry out this  
25                 Act.

1                   “(C) ADDITIONAL FUNDING REQUESTS.—  
 2                   Nothing in this subsection prohibits the Oglala  
 3                   Sioux Tribe, the Rosebud Sioux Tribe, or the  
 4                   Lower Brule Sioux Tribe from applying for,  
 5                   seeking, or obtaining amounts from the Federal  
 6                   agencies referred to in paragraph (1) for any  
 7                   other purpose.

8                   “(c) UPGRADING STANDARDS FOR CONNECTING  
 9 HOMES.—The Director of the Bureau of Indian Affairs  
 10 shall, through the use of existing programs and annual  
 11 appropriations, assist the Secretary in completing the Og-  
 12 lala Sioux Rural Water Supply System, the Rosebud Sioux  
 13 Rural Water System, and the Lower Brule Sioux Rural  
 14 Water System by constructing, repairing, and upgrading  
 15 plumbing fixtures, skirting, and other necessary features,  
 16 such as septic tanks and drainfields, to ensure that houses  
 17 within the service areas are able to meet the standards  
 18 for connecting to those water systems.”.

19 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

20                   (a) PLANNING, DESIGN, AND CONSTRUCTION.—Sec-  
 21 tion 10(a) of the Mni Wiconi Project Act of 1988 (Public  
 22 Law 100–516; 102 Stat. 2571; 108 Stat. 4545; 116 Stat.  
 23 3033; 121 Stat. 1954) is amended—

24                   (1) in the first sentence, by striking “and  
 25                   \$58,800,000 (based on October 1, 1997 price lev-

1 els)” and inserting “, \$58,800,000 (based on Octo-  
 2 ber 1, 1997 price levels), and \$14,308,000 (based on  
 3 October 1, 2011 price levels)”;

4 (2) in the second sentence, by striking “2013”  
 5 and inserting “2016”; and

6 (3) in the third sentence, by striking “and Oc-  
 7 tober 1, 1997 (with respect to the \$58,800,000)”  
 8 and inserting “, October 1, 1997 (with respect to  
 9 the \$58,800,000), and October 1, 2011 (with respect  
 10 to the \$14,308,000)”.

11 (b) OPERATION AND MAINTENANCE OF OGLALA  
 12 SIOUX RURAL WATER SUPPLY SYSTEM, ROSEBUD SIOUX  
 13 RURAL WATER SUPPLY SYSTEM, AND LOWER BRULE  
 14 SIOUX WATER SUPPLY SYSTEM.—Section 10(b) of the  
 15 Mni Wiconi Project Act of 1988 (Public Law 100–516;  
 16 102 Stat. 2571; 108 Stat. 4545) is amended—

17 (1) in the first sentence, by striking “There  
 18 are” and inserting the following:

19 “(1) OPERATION AND MAINTENANCE.—

20 “(A) IN GENERAL.—There are”;

21 (2) in the second sentence, by striking “The op-  
 22 eration” and inserting the following:

23 “(B) WEST RIVER AND LYMAN-JONES  
 24 RURAL WATER SYSTEMS.—

25 “(i) IN GENERAL.—The operation”;

1           (3) in the third sentence, by striking “Such  
2 fee” and inserting the following:

3                   “(ii) FEE BASIS.—The fee described  
4                   in clause (i)”;

5           (4) in the fourth sentence, by striking “Such  
6 operation and maintenance payments” and inserting  
7 the following:

8                   “(iii) ADJUSTMENT OF PAYMENTS.—  
9                   The operation and maintenance payments  
10                  under this subparagraph”; and

11          (5) by adding after paragraph (1) (as so des-  
12 ignated) the following:

13                   “(2) COMMUNITY WATER SYSTEMS UP-  
14 GRADES.—

15                   “(A) IN GENERAL.—After the date on  
16 which public or tribal water systems on the  
17 Pine Ridge Indian Reservation, the Rosebud In-  
18 dian Reservation, and the Lower Brule Indian  
19 Reservation that are in existence on the date of  
20 enactment of this paragraph have been brought  
21 up to the standards for the water systems es-  
22 tablished in the plans developed under section  
23 3C(a), but not later than 15 years after the  
24 date of enactment of this paragraph, title to  
25 each of the water systems shall be transferred

1 to the United States, to be held in trust for the  
2 benefit of the applicable Indian tribe, on the re-  
3 quest of the Oglala Sioux Tribe, the Rosebud  
4 Sioux Tribe, or the Lower Brule Sioux Tribe,  
5 as applicable, and the owner of the water sys-  
6 tem.

7 “(B) IMPROVEMENTS AND REPAIRS AND  
8 REPLACEMENT.—The Secretary shall use  
9 amounts authorized to be appropriated under  
10 paragraph (1) for the improvement, repair, and  
11 replacement of any water system that is trans-  
12 ferred or proposed, by request of the owner of  
13 the water system, to be transferred and im-  
14 proved under subparagraph (A).”

15 **SEC. 4. OFFSET.**

16 Notwithstanding any other provision of law, in the  
17 case of the project authorized by section 1617 of the Rec-  
18 lamation Projects Authorization and Adjustment Act of  
19 1992 (43 U.S.C. 390h–12c), the maximum amount of the  
20 Federal share of the cost of the project under section  
21 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) other-

- 1 wise available as of the date of enactment of this Act shall
- 2 be reduced by \$15,000,000.

Passed the Senate December 16, 2014.

Attest:

*Secretary.*

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 684**

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**AN ACT**

To amend the Mini Wiconi Project Act of 1988 to facilitate completion of the Mini Wiconi Rural Water Supply System, and for other purposes.